



## 2013 ASSEMBLY BILL 675

1     **AN ACT** *to amend* 46.238; and *to create* 146.0257 of the statutes; **relating to:**  
2             evaluation of infants for fetal alcohol spectrum disorders and referral of infants  
3             who have that condition for services and treatment.

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*Analysis by the Legislative Reference Bureau*

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*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

4             **SECTION 1.** 46.238 of the statutes is amended to read:  
5             **46.238 Infants and unborn children whose mothers abuse controlled**  
6             **substances ~~or~~, controlled substance analogs, or alcohol.** If an agency, as  
7             defined in s. 48.981 (1) (ag), receives a report under s. 146.0255 (2) or 146.0257 (2)  
8             and that agency is a county department under s. 46.22 or 46.23 or a licensed child  
9             welfare agency under contract with that county department, the agency shall offer  
10            to provide appropriate services and treatment to the ~~child and the child's~~ infant and

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1 the infant's mother or to the unborn child, as defined in s. 48.02 (19), and the  
2 expectant mother of the unborn child or the agency shall make arrangements for the  
3 provision of appropriate services and treatment. If an agency receives a report under  
4 s. 146.0255 (2) or 146.0257 (2) and that agency is the department or a licensed child  
5 welfare agency under contract with the department, the agency shall refer the report  
6 to the county department under s. 51.42 or 51.437 and that county department shall  
7 offer to provide, or make arrangements for the provision of, those services and that  
8 treatment.

9 **SECTION 11.** 146.0257 of the statutes is created to read:

10 **146.0257 Evaluation of infants for fetal alcohol spectrum disorders. (1)**

11 DEFINITION. In this section, “agency” has the meaning given in s. 48.981 (1) (ag).

12 **(2) EVALUATION.** If a hospital employee who provides health care, social worker,  
13 or intake worker under ch. 48 suspects that an infant has a fetal alcohol spectrum  
14 disorder, the hospital employee, social worker, or intake worker shall refer the infant  
15 to a physician for an evaluation to diagnose whether the infant has that disorder.  
16 If a physician determines that there is a serious risk that an infant has a fetal alcohol  
17 spectrum disorder, the physician shall evaluate the infant to diagnose whether the  
18 infant has that disorder. If a physician diagnoses that an infant has a fetal alcohol  
19 spectrum disorder, the physician shall report that diagnosis to the agency that is  
20 responsible for conducting child abuse and neglect investigations under s. 48.981,  
21 and that that agency shall offer to provide, or arrange or refer for the provision of,  
22 services and treatment for the infant and the infant's mother as provided under s.  
23 46.238.

24 **(3) DIAGNOSIS.** A physician who performs an evaluation under sub. (2) shall  
25 provide the infant's parents or guardian with all of the following information:

